



King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Agenda Board of Health

*Metropolitan King County Councilmembers: Rod Dembowski, Chair;
Kathy Lambert, Vice Chair; Joe McDermott
Alternate: Jeanne Kohl-Welles*

*Seattle City Councilmembers: Sally Bagshaw, Vice Chair; Lorena González, Debora Juarez
Alternate: Bruce Harrell*

*Sound Cities Association Members: David Baker, Vice Chair; Largo Wales
Alternates: Susan Honda, Shelley Kloba*

*Health Professionals: Ben Danielson, MD; Bill Daniell, MD
Non-Voting: Christopher Delecki, DDS, MBA, MPH, Vice Chair*

*Director, Seattle-King County Department of Public Health: Patty Hayes
Staff: Maria Wood, Board Administrator (206-263-8791)*

1:30 PM

Thursday, June 16, 2016

Room 1001

1. Call to Order

To show a PDF of the written materials for an agenda item, click on the agenda item below.

2. Roll Call

3. Announcement of Any Alternates Serving in Place of Regular Members

4. Approval of Minutes of May 19, 2016 pg 3

5. Public Comments

6. Director's Report

Briefings

7. BOH Briefing No. 16-B10 pg 7

Suicide Prevention Campaign

Joe Simonetti, MD, MPH, Attending Physician, Harborview Medical Center and Associate Investigator,
Harborview Injury Prevention & Research Center



Sign language and communication material in alternate formats can be arranged given sufficient notice (206-1000).
TDD Number 206-1024.
ASSISTIVE LISTENING DEVICES AVAILABLE IN THE COUNCIL CHAMBERS.



8. BOH Briefing No. 16-B11 pg 7

Pesticides in Cannabis - Invited Panel Discussion

Jeff Duchin, MD, Health Officer, Public Health – Seattle & King County

Ethan B. Russo, MD, Medical Director of PHYTECS

Sunil Kumar Aggarwal, MD, PhD (Medical Geography), FAAPMR, Palliative Medicine Physician, Associate

Hospice Medical Director, MultiCare Health System Adult Palliative Medicine Services

Gil Mobley, MD

Briefing and Public Comment**9. BOH Briefing No. 16-B12 pg 9**

On-Site Sewage Program - Proposed Service Model and Fee with Public Comment

Ngozi Oleru, PhD, Division Director, Environmental Health, Public Health – Seattle & King County

Darrell Rodgers, PhD, Section Manager, Community Environmental Health, Public Health – Seattle & King County

10. Chair's Report**11. Board Member Updates****12. Administrator's Report****13. Other Business****Adjournment**

If you have questions or need additional information about this agenda, please call 206-263-8791, or write to Maria Wood, Board of Health Administrator via email at maria.wood@kingcounty.gov



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Meeting Minutes Board of Health

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*Director, Seattle-King County Department of Public Health: Patty
Hayes
Staff: Maria Wood, Board Administrator (206-263-8791)*

1:30 PM

Thursday, May 19, 2016

Room 1001

DRAFT MINUTES REVISED - Added Item 8

1. **Call to Order**

The meeting was called to order at 1:36 p.m.

2. **Roll Call**

Present: 10 - Ms. Bagshaw, Mr. Baker, Dr. Daniell, Dr. Danielson, Mr. Dembowski, Ms. Juarez, Ms. Lambert, Mr. McDermott, Ms. Wales and Ms. Kohl-Welles

Excused: 1 - Ms. Gonzalez

3. **Announcement of Any Alternates Serving in Place of Regular Members**

Boardmember Kohl-Welles served as an alternate for Boardmember Lambert for a portion of the meeting. Boardmembers Honda, Kloba and Delecki were also in attendance.

4. **Approval of Minutes of March 17, 2016**

Boardmember Baker moved to approve the minutes of the March 17, 2016 meeting as presented. Seeing no objection, the Chair so ordered.

5. Public Comments

The following people spoke:

Betsy Howe

Alex Tsimerman

Queen Pearl

6. Director's Report

Ms. Patty Hayes, Director, Seattle-King County Department of Public Health, briefed the Board on federal funding for Zika prevention and Asthma & Allergy Network Day. She reported that May is Hepatitis Awareness Month and that May 19th has been designated as national Hepatitis Testing Day in the United States. Ms. Hayes also reported that May 15-21, 2016 is Emergency Medical Services Week.

Discussion and Possible Action**7. Resolution No. 16-05**

A RESOLUTION establishing a standing committee of the Board of Health related to the Public Health - Seattle & King County Health Care for the Homeless Network grant.

Mr. John Gilvar, Manager, Health Care for the Homeless Network, Public Health – Seattle & King County, briefed the Board on the standing committee that would work with the Health Care for the Homeless Network Planning Council.

Ms. Maria Wood, Board Administrator, answered questions of the Board.

Boardmember Baker nominated Boardmember Wales to represent Sound Cities Association.

The motion passed unanimously.

Boardmember McDermott nominated Boardmember Kohl-Welles to represent King County.

The motion passed unanimously.

Boardmember Bagshaw volunteered to represent City of Seattle.

The motion passed unanimously.

Boardmember Delecki nominated Boardmember Daniell to represent the health professionals.

The motion passed unanimously.

A motion was made by Boardmember Delecki that this Resolution be Passed. The motion carried by the following vote:

Yes: 11 - Ms. Bagshaw, Mr. Baker, Dr. Daniell, Dr. Danielson, Mr. Dembowski, Ms. Juarez, Mr. McDermott, Ms. Wales and Ms. Kohl-Welles

Excused: 3 - Ms. Gonzalez and Ms. Lambert

8. Resolution No. 16-06

A RESOLUTION approving a scope of project change for the Healthcare for the Homeless Network grant.

Mr. John Gilvar, Manager, Health Care for the Homeless Network, Public Health – Seattle & King County, briefed the Board on the scope of project change for the Healthcare for the Homeless Network grant.

A motion was made by Boardmember Delecki that this Resolution be Passed. The motion carried by the following vote:

Yes: 12 - Ms. Bagshaw, Mr. Baker, Dr. Daniell, Dr. Danielson, Mr. Dembowski, Ms. Juarez, Ms. Lambert, Mr. McDermott and Ms. Wales

Excused: 2 - Ms. Gonzalez and Ms. Kohl-Welles

Briefings**9. BOH Briefing No. 16-B08**

Healthy Housing Guidelines & Recommendation - Review of Draft Document

Ms. Nicole Thomsen, Environmental Public Health Planner, Public Health - Seattle & King County, briefed the Board on the draft Healthy Housing Guidelines & Recommendations.

Ms. Wood, Board Administrator, answered questions of the Board.

This matter was Presented

10. BOH Briefing No. 16-B09

Legislative Update - 2016 End of Session Report

Ms. Jennifer Muhm, Legislative Affairs Officer, Public Health - Seattle & King County, briefed the Board on the 2016 legislative session.

Amy Eiden, Legal Council, Public Health - Seattle & King County, answered questions of the Board.

This matter was Presented

11. Chair's Report

No report was given.

12. Board Member Updates

Boardmembers Bagshaw and Kohl-Welles reported on a trip they took to San Francisco to tour The Navigation Center. The Navigation Center is a 24 hour shelter designed to help homeless people create stability in their lives.

13. **Administrator's Report**

No report was given.

14. **Other Business**

Adjournment

The meeting adjourned at 3:29 p.m.

If you have questions or need additional information about this agenda, please call 206-263-8791, or write to Maria Wood, Board of Health Administrator via email at maria.wood@kingcounty.gov

Approved this _____ day of _____.

Clerk's Signature

Materials for items 7 and 8 will be distributed at the meeting.

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King County

King County Board of Health

Staff Report

Agenda Item No: 9

Date: June 16, 2016

BOH Briefing No. 16-B12

Prepared by: Robin Hill

Subject

A proposal to protect public health from pollution from inadequately treated sewage by on-site sewage systems through implementation of a sustainable funding source to support the services and activities of the On-site Sewage System Operations and Maintenance (O&M) Program.

Summary

Although the Environmental Health Services Division (EHS) of Public Health – Seattle & King County (PHSKC) is required to manage existing on-site sewage systems (OSS), ensure that regular inspections are completed in OSS pollution hot spots, and conduct proactive inspection and enforcement, there is no sustainable funding source for this work. Public Health does not currently have the capacity to enforce OSS inspection requirements, address areas of identified OSS water contamination, or proactively address problems before OSS fail. Approximately 85,000 OSS have been identified in King County, and an unknown number of these systems are contributing to surface and groundwater pollution in streams, lakes, aquifers, and Puget Sound. When properties that are not connected to sewer contribute untreated sewage or improperly treat wastewater, people can be exposed to a variety of pathogens and chemicals in waste from human activities via consumption of contaminated water and shellfish, and direct contact with surface water. King County has developed a proposed customer-centered program to fulfill state and local requirements and identify and address improperly functioning OSS, and is requesting the adoption of sustainable funding to pay for program costs.

Background

The Washington State Department of Ecology has documented fecal coliform bacterial pollution in 203 waterway segments in King County.¹ Fecal coliform can originate from a variety of sources, including improperly treated wastewater by on-site sewage systems, agricultural runoff, wildlife, and infrequently from wastewater treatment facility overflows. The resulting bacterial contamination can pollute drinking water wells, ground water and surface water; pollute marine

¹ Washington State Department of Ecology WQ Candidate List. Waterways in King County with bacterial pollution in categories 2, 4, and 5. <https://fortress.wa.gov/ecy/wats/CandidateList.aspx>

waters, fresh waters, aquifers, and fish habitats; contaminate shellfish beds and public swimming beaches; and can ultimately make both people and animals sick.²

In King County, all property owners are responsible for ensuring their wastewater does not contribute to water contamination. In incorporated areas, individuals connected to sewer systems pay their local sewer districts an average of \$60 per month to provide sewer services and address water contamination problems that result from improperly functioning sewer pipes. County residents who are not connected to a sewer system use on-site sewage systems (OSS) to treat their wastewater. PHSKC has identified 85,000 on-site sewage systems that treat wastewater from homes and businesses, serving 14% of King County's developed properties and an estimated 212,500 people. This wastewater infrastructure treats an estimated 15 million gallons of wastewater OSS every day.³ On-site sewage systems protect water quality when designed, installed, maintained and used correctly, however when OSS fail to properly treat sewage they threaten water quality and human health by contaminating waterways with untreated sewage. There are also safety issues related to abandoned OSS, illustrated by recent news stories about children falling into on-site sewage system tanks.⁴

In Puget Sound, pollution from improperly treated OSS wastewater has resulted in 834 acres of commercial shellfish beds being unavailable for harvesting. In Vashon's Quartermaster Harbor, a designated Marine Recovery Area (MRA) pursuant to State law, commercial shellfish beds are closed to harvesting. Closure of Quartermaster Harbor has created an estimated annual loss of \$1 million to the Puyallup Tribe and its members and an additional loss of \$1 million to the Washington State shellfish industry. In addition, Poverty Bay – which borders Des Moines and Federal Way – is expected to be downgraded and closed to shellfish harvesting in 2017. When downgraded, it is expected to result in a loss of \$9.5 million in geoduck resources.

Negative public health impacts can be felt across communities. Often these impacts disproportionately affect low-income individuals, people of color, and limited English speaking populations. Some property owners from these groups may be unaware they have OSS or may not know how to maintain OSS, resulting in unsafe waste disposal practices that contribute to contamination of creeks, streams, rivers and groundwater. This is especially pronounced in areas where limited English speaking populations are not represented by community organizations and do not typically interact with government agencies. When these systems fail, many owners face

² Washington State Department of Ecology. 2005. Focus on Fecal Coliform.

<https://fortress.wa.gov/ecy/publications/documents/0210010.pdf>

³ Estimate based on the following calculation: 85,000 OSS x 2.5 people per OSS x 69 gallons of OSS water flow per person per day x 365 days. Water flow estimate drawn from: Washington State Department of Ecology. 2011. South Puget Sound Oxygen Study. <https://fortress.wa.gov/ecy/publications/documents/1103001.pdf>

⁴ Patel, Tina. April 6, 2015. "2-Year Old Dies After Falling Into Septic Tank." <http://q13fox.com/2015/04/06/2-year-old-dies-after-falling-into-septic-tank-in-burlington/>

expensive repair bills that they are unable to afford. Additionally, many parcels in socioeconomically disadvantaged areas contain OSS permitted as “temporary until sewer,” but sewer districts lack financial incentives to expand to these areas. As a result, these outdated OSS have exceeded their life expectancy and are contributors to water contamination. Due to a lack of information on how to maintain OSS, inability of owners to afford OSS repairs or connection to sewer, and the presence of outdated systems, it is likely that socioeconomically disadvantaged communities are experiencing higher levels of groundwater contamination than other areas of King County.

Current regulations

Public Health is mandated by Washington State code (Chapter 246-272A WAC) to manage and regulate OSS in order to protect the public’s health. RCW 70.118A.050 requires each local health jurisdiction bordering Puget Sound to specify, as part of its marine recovery area strategy under its on-site sewage system program management plan, how the jurisdiction will identify “(a) [e]xisting failing systems and ensure that system owners make necessary repairs; and (b) [u]nknown systems and ensure that they are inspected as required to ensure that they are functioning property, and repaired, if necessary” in marine recovery areas. Regulations for OSS oversight are further detailed in Board of Health Code Title 13. In addition, RCW 90.72.045 requires the county legislative authority to establish a shellfish protection district when the State Department of Health has closed or downgraded the classification of a recreational or commercial shellfish growing area; currently in King County there are several open areas that are threatened.

WAC 246-272A-0015 requires counties to undertake the following activities, at a minimum, as a part of the oversight of OSS:

Required	Activities
<ul style="list-style-type: none"> • Progressively maintain inventory of all known OSS • Identify high-risk areas (with certain areas given priority) • Identify operation and maintenance requirements commensurate with risks 	<ul style="list-style-type: none"> • Maintain records of operation and maintenance activities • Enforce OSS owner requirements • Coordinate with local comprehensive land use planning activities • Facilitate owner education

Need for Program Services

Over the last 14 years, King County has received over 4,000 complaints about failing OSS polluting creeks, contaminating drinking water wells, polluting shellfish beds and exposing children to sewage. Staff spend an average of 30 hours per week receiving and addressing customer requests for technical assistance. Furthermore, EHS staff are only open to receive customer service requests three days a week for two-hour windows each day.

Unfortunately, there is no dedicated funding source for OSS technical assistance. EHS staff are providing unfunded technical assistance, case management and other customer-focused O&M in addition to performing their fee-funded permitting duties. As a result, permit turnaround time for site applications is currently 120 days rather than the 30 days required by the Washington Administrative Code. An EHS and Department of Permitting and Environmental Review (DPER) team assessed the OSS permitting process to identify opportunities for improvement and concluded that the program will be unable to increase process efficiency without additional staffing.

In addition to customer service demands, EHS is currently unable to adequately address pollution in established and emerging “hot spots”. Contaminated waterways identified by King County, Washington Department of Health and Washington Department of Ecology include Quartermaster Harbor (Vashon Island), Poverty Bay (Federal Way and Des Moines), Duwamish and Green Rivers, Little Bear Creek, and Cedar and Sammamish Rivers. Enumclaw and Fall City have also been identified as hot spots due to contaminated ground water. The number of identified hot spots is expected to increase as pollution source tracking increases. King County is currently working in Quartermaster Harbor (mainly with grant funds that are expiring in 2016), but lacks the resources to address additional hot spots.

O&M Program Proposal

The objectives of the proposed OSS O&M Program are to protect public health and reach compliance with state and local OSS regulations by addressing OSS pollution hot spots and preventing new hot spots from forming. EHS estimates that the program will reach compliance when at least five OSS pollution hot spots are addressed.

The O&M Program will use the following strategies to achieve these objectives:

1. Implement a customer-centered case management approach to focus resources on increasing compliance and remediating pollution in OSS hot spots;
2. Prevent new hot spots from forming through education and outreach to OSS owners, thereby saving homeowners from costly premature OSS failures; and
3. Perform maintenance and oversight in former OSS hot spots and other areas where on-site sewage systems pose a high risk

Program Services

EHS conducted outreach to nine community groups across the County to solicit feedback on program services that will increase compliance and improve customer service. EHS is also working closely with the 2016 OSS Management Plan Update Workgroup to identify program service priorities. Based on community and partner input, customer requests for technical assistance, and research on evidence-based compliance practices, EHS proposes to offer the following suite of services and activities:

- Countywide customer service and technical assistance
- Case management support for all customers who need to install, repair or replace systems, including a staff member co-located with the King County Department of Permitting and Environmental Review at their Snoqualmie offices
- Support the low-interest loan program to be offered by a third party vendor countywide to help homeowners pay for OSS repairs or replacements
- Education and outreach provided across King County, in the form of OSS maintenance classes, inspection reminders, and informational materials
- Tracking and confirming sources of OSS pollution in established and suspected OSS pollution hot spots
- Increased OSS management and oversight in hot spots to ensure customer compliance
- Improved certification process for OSS professionals (inspectors and pumpers)
- Improved website with access to parcel inspection records, information on recommended OSS professionals, and answers to frequently asked questions
- Safe OSS decommissioning services
- Financial incentives for homeowners may also be provided if funding allows

To assess the O&M Program's success in meeting objectives to improve water quality and come into compliance with state and local regulations, EHS will develop outcome measures, collect outcome data, and continuously evaluate program impacts. Examples of outcome measures that may be used include:

- Frequency and volume of customer complaints
- Time to close customer technical assistance cases
- Shellfish bed acreage available for harvesting
- Hot spot improvement, as assessed by the Department of Ecology and water quality testing
- Number of OSS failures identified
- Number of outreach classes held and number of people attending classes
- Number of inspection reminders sent
- Number of enforcement actions taken

EHS will provide annual updates to the Board of Health on program progress, and will conduct a more extensive program evaluation every three years.

Program Structure

Addressing hot spot pollution is resource intensive and will require a multi-disciplinary team of environmental health professionals. The level at which the program is staffed will impact both the activities that can be accomplished and the rate at which King County can successfully address hot spots.

At a foundational level, adequate program infrastructure – including program management, administration, code enforcement and data and records management – is vital for the ongoing success of the program. These staff will ensure the program is operating according to code and meeting compliance requirements; develop and implement processes and policies; manage staff; manage records; conduct quality control and assurance of program data; collect and analyze program input and outcome data; and conduct program evaluation and process improvement projects.

In addition to these foundational services, the rate at which the program can address hot spots will depend largely on the number of licensed Health and Environmental Investigators (H&EI) employed by the program. H&EIs are the nexus between customers, water quality protection and oversight. These investigators conduct water pollution source tracking, surveys and dye testing to investigate and identify sources of OSS pollution; provide comprehensive case management to homeowners whose systems are not functioning; and answer technical questions about OSS operations and maintenance.

Current Program Funding Sources

EHS receives funding to support Operations and Maintenance activities from three existing fees. The \$28 operations and maintenance fee is submitted to King County by industry inspectors each time an OSS is inspected. Given that the WAC requires individuals to have their OSS inspected at least once every three years, EHS estimates that a minimum of \$793,000 in revenue should be collected annually. Instead, in 2015 EHS received only \$57,000 from the \$28 O&M fee, representing less than 2% of on-site sewage system owners.

To protect new home buyers from inheriting improperly functioning OSS, home sellers pay EHS two fees upon time of property sale. The \$40 time of title transfer fee must be paid directly to EHS by homeowners and is meant to support education and outreach activities to increase OSS maintenance compliance. However, fee payment compliance is low and payment enforcement is resource-intensive. Although approximately 3,500 homes with OSS were sold in 2015, EHS only received the \$40 time of property sale fee from 1,350 home sellers.

Conversely, the \$111 time of property sale fee was received from 3,380 home sellers in 2015. The \$111 fee, paid by real estate professionals collected as a part of closing costs, supports the staff time required to process property transfer inspections. Although compliance is high, the fee amount has not been increased since 2007. As established by the last EHS cost study, the cost of one hour of staff time required to process the time of sale inspection report is \$184.80, a gap of \$73 of cost not covered by the fee.

In total, EHS received \$486,000 in fee revenue in 2015 to fund operations and maintenance activities. These funds are sufficient to pay for 2 full time equivalent (FTE) staff, in addition to other required program costs. An additional 2.5 FTE are currently supported by federal and state grant funds to conduct water pollution source tracking and enforcement in Quartermaster Harbor, but those grants will expire in 2016.

Analysis of Possible Funding Mechanisms

In accordance with BOH Resolution 16-03, EHS has conducted an analysis of possible funding mechanisms to identify a sustainable funding source for the OSS O&M Program.

RCW 70.05.190 authorizes Puget Sound county Boards of Health to impose an annual fee on OSS owners through contracting with county treasurers to collect such a fee in accordance with RCW 84.56.035. The RCW provides counties a mechanism by which to fund work to protect water quality from pollution caused by improperly functioning on-site sewage systems. The property tax statement represents a cost-effective and efficient mechanism by which to accurately bill individuals who own OSS.

A recent Washington state Department of Health panel recommended that the 12 Puget Sound counties collect an annual fee from all OSS property owners to fund comprehensive OSS programs in each county. Currently, Boards of Health in San Juan, Whatcom and Clark Counties charge annual fees to each OSS owner to support oversight of OSS operation and management and ensure that OSS that are improperly treating wastewater are addressed. Thurston and Snohomish County Boards of Health are currently developing annual OSS operation and maintenance fees for consideration by their Boards of Health.

EHS also conducted an analysis of other funding mechanisms for OSS O&M work. Examined funding sources included surface water management fees currently collected by the Department of Natural Resources and Parks, surcharges and fees for sewage pumpers, and other wastewater treatment funds. EHS found that surface water management fee revenue is currently dedicated to identifying sources of OSS pollution through water quality testing and is not available for other operation and maintenance activities. EHS also determined that Public Health does not have the ability to track pumping frequency or the authority to require OSS owners to conduct regular pumping of their systems. Revenue from pumping fees or surcharges, while possible to collect, would be unreliable and insufficient to pay for program costs. Pumping fees may also be passed to homeowners by pumpers, which would create a pumping disincentive and threatens water quality. Additionally, budget analysis determined that revenue collected via these and other potential mechanisms would be insufficient to support the cost of the program.

Sustainable Funding Proposal

PHSKC recommends establishing an annual OSS O&M fee for OSS owners to pay for the costs of the program, to be collected by the Treasurer via the property tax statement. Two possible O&M fee structures are presented to the BOH for consideration:

Option 1: Annual Tiered Fee (lower rate for rural OSS, higher rate for urban/shoreline OSS)

On-site sewage systems located in incorporated areas are often more complex to address due to increased population density and close proximity to sewer systems. In addition, when these systems contribute to water contamination, the risks to public health are often greater due to densely packed communities and close proximity to Puget Sound shorelines. Conversely, systems in unincorporated areas are often less resource-intensive to address because they are in sparsely populated areas, located on larger parcels, and pose a lesser risk to shoreline habitats. Accordingly, this tiered fee structure distributes the cost of the program across OSS owners but takes into account risk and expected project complexity.

Option 2: Annual Flat Fee (same rate for all OSS)

The OSS O&M Program will provide customer service, technical assistance and case management to OSS owners across the county. OSS pollution hot spots are located both inland and along shorelines, so the program's intensive OSS pollution source tracking and enforcement activities will also be distributed across the county. Accordingly, this flat fee option distributes the cost of the program evenly across all OSS owners.

For both fee structures, PHSKC recommends applying a 50% fee discount to OSS owner property tax accounts that are on the Assessor's Senior Citizens and Disabled Exemption List. These individuals are disabled, or are over 60 years old and earn an income of less than \$40,000 per year. The discount would lessen the financial burden of the fee on some low-income individuals.

Additional Proposed Fee Changes

If the proposed O&M fee is approved, PHSKC recommends additional changes to existing fees. PHSKC recommends eliminating the existing \$28 O&M fee, as well as the existing \$40 time of sale fee. Additionally, PHSKC recommends increasing the existing \$111 time of sale fee to \$184.80. The increased fee amount represents the increased cost of staff time since the fee was first established in 2007 and will cover the actual cost of the one hour of staff time required to process time of sale inspection reports.

Program Size, Cost and Timeline

EHS estimates an annual programmatic cost of \$3.4 million. This estimate reflects the foundational staff and resources necessary to build the program infrastructure, as well as five H&EIs. This budget and staffing dedication will allow EHS to address at least five existing and emerging OSS pollution hot spots and come into compliance with state and local regulations in 5-10 years.

For the Board of Health’s consideration, the following table demonstrates the impact of varying staffing and resource dedications on the estimated time to program compliance with state regulations:

Table 1 – Annual Program Cost Related to Years to Achieve Compliance and Number of Investigators

Compliance*	Investigators	Total Annual Program Cost**
5-10 Years	5	\$3.4 Million
7-12 Years	4	\$3.2 Million
10-15 Years	3	\$3 Million

*Compliance = 90% pollution abatement in at least five hot spots

**Includes program infrastructure and investigators

Table 2 demonstrates the annual fee amounts associated with O&M fee structures and resource levels*:

Table 2 – Annual Program Cost and Fee Options to Collect Sustainable Revenue

	Program Cost and Fee Options		
Annual Fees	\$3.4M	\$3.2M	\$3M
Option 1: Tiered	\$27/\$37	\$25/\$35	\$23/\$33
Option 2: Flat	\$33	\$30	\$28
Time of Sale	\$184.80	\$184.80	\$184.80

*Assumes 85,000 OSS in King County and an annual 4% rate of sale of OSS properties

During the first two years of the program, EHS will be hiring staff and building program infrastructure. Accordingly, PHSKC does not anticipate the cost of the program to rise with inflation and therefore proposes that fee amounts remain fixed until the 2019-2020 biennium, after which fee amounts may be adjusted up or down to reflect actual programmatic costs in accordance with BOH 2.06.008.

Collaboration and stakeholder support

As a member of the federally-funded, multi-jurisdictional Puget Sound Partnership, King County is actively working towards achieving a healthy Puget Sound by 2020. Clean water is prioritized by the federal government through the National Estuaries Program, by Washington State via funding through the Healthy Puget Sound initiative, and locally through the work of the King County’s Wastewater Treatment Division. With a sustainably funded OSS program, these efforts will be supplemented by finding failing OSS systems and ensuring failing systems are fixed.

Implementing the proposed program requires a collaborative approach from many King County entities (Public Health - Seattle & King County, Department of Natural Resources and Parks,

King County Information Technology, and the King County Executive and the Assessor), as well as those involved in wastewater treatment (including local jurisdictions and sewer districts), to develop a robust system to identify and monitor OSS, provide education to OSS owners and installation and maintenance professionals, and secure sustainable funding for OSS operation and maintenance activities.

There are multiple stakeholders interested in supporting a robust on-site sewage system management to ensure OSS function properly to protect ground water for drinking, commercial and recreational shellfish harvesting, and rivers, streams, and Puget Sound for swimming. Stakeholders include community members and OSS owners, King County agencies (listed above), and those entities involved in wastewater treatment (including local jurisdictions and sewer districts), the on-site sewage system industry and real estate professionals, environmental protection groups, and the Puyallup and Muckleshoot tribes. Feedback from OSS owners is mixed on the question of a fee, some support it, and others do not.

Attachments

1. Draft BOH Rule & Regulation – On-site Sewage System Program Management Fee

A RULE AND REGULATION for the protection of the public health against the spread of disease from pollution from on-site sewage systems; establishing a charge to pay for the costs of sustainable administration of the King County on-site sewage system program management plan and protect the public health against pollution from on-site sewage systems by adding a new chapter to BOH Title 2 and amending R&R 99-01, Section 2 (part); as amended, and BOH 2.18.020; enacted pursuant to RCW 70.05.060 and RCW 70.05.190, including the latest amendments or revisions thereto.

BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

SECTION 1. Sections 2, 3, 4, 5, 6 and 7 of this rule should constitute a new chapter in BOH Title 2.

NEW SECTION. SECTION 2. **Applicability.** This chapter applies to activities regulated by the director under BOH title 13.

NEW SECTION. SECTION 3. **On-site sewage system program management charge on real property.** Commencing on January 1, 2017, and annually thereafter the health officer shall establish an on-site sewage system program management charge upon every parcel of property within King County, upon parcels existing as a matter of record as of January 1 of each year, except for those parcels categorically determined to be exempt as set forth in this chapter. The on-site sewage system program management

charge may not be calculated or assessed on an ad valorem basis.

NEW SECTION. SECTION 4. Charge. The on-site sewage system program management charge shall be XX dollars per parcel for 2017.

NEW SECTION. SECTION 5. Administration of on-site sewage system program management charge.

A. Beginning January 1, 2017, the on-site sewage system program management charge shall be consolidated with the King County property tax statements and collected by the county treasurer.

B. Property tax accounts identified on the county assessor's senior citizens and disabled persons exemption list for the current tax year shall receive a fifty-percent discount of the on-site sewage program management charge.

NEW SECTION. SECTION 6. Parcels exempt from on-site sewage system program management charge.

A. Parcels that are not developed or not served by an on-site sewage treatment and disposal system and that are not required to be served by an on-site sewage system under BOH Title 13 are exempt from the on-site sewage system program management charge. Parcels that have had onsite sewage systems decommissioned under BOH Title 13 in the current year are subject to the annual on-site sewage system program management charge for the current year.

B. The health officer shall consult with the county treasurer, county assessor and information technology departments, as needed, to maintain and update a data set of all parcels in King County served by an on-site sewage system or that are required to be served by an on-site sewage system, and to identify parcels that are not developed or not

served by an on-site sewage system.

C. Each year, no later than December 31, the health officer shall provide the treasurer and assessor an updated list of those parcels that are not exempt under this section.

NEW SECTION. SECTION 7. Adjustment and appeals of on-site sewage system program management charge.

A. Any person billed for the on-site sewage system program management plan may contest the charge and the parcel classification or applicability of an exemption by filing an appeal with the health officer. Submittal of such an appeal does not extend the date the service charge becomes due and payable.

B. A request for service charge adjustment may be granted by the health officer only when the health officer finds that the parcel has been improperly classified or that an exemption applies.

C. The property owner shall have the burden of proving by a preponderance of the evidence that the service charge adjustment should be approved.

D. Decisions on requests for service charge adjustments shall be made by the health officer based on information submitted by the applicant, except when additional information is needed. The applicant shall be notified in writing of the health officer's decision.

SECTION 8. R&R 99-01, Section 2 (part), as amended, and BOH 2.18.020 are each hereby amended to read as follows:

Fee schedule.

Fees pertaining to Title 13

Persons shall pay permit fees, application review fees, reinspection fees, monitoring report filing fees, variance request fees, special service fees, ~~((and))~~ miscellaneous fees and on-site sewage system program management charge under Title 13 as set forth in the following fee schedule:

1. On-site sewage system construction permit fee

- | | |
|---|-------------------|
| a. single-family, new pressurized | \$963.00 |
| b. single-family, new gravity | \$854.00 |
| c. single-family, repair or modification | \$691.00 |
| d. single-family, limited repair | \$247.00 |
| e. non-single-family | \$1,304.00 |
| f. delinquent submittal of record drawing | \$184.80 per hour |

2. On-site sewage system maintainer

certificate of competency fee

- | | |
|--------------------------------------|----------|
| a. Issued July 1 or before | \$320.00 |
| b. Issued after July 1 | \$160.00 |
| c. Maintainer competency examination | \$320.00 |

3. Master installer certificate of

competency fee

- | | |
|--------------------------------|----------|
| a. Issued July 1 or before | \$320.00 |
| b. Issued after July 1 | \$160.00 |
| c. Master installer competency | \$320.00 |

examination

4. Associate installer certificate of

competency fee

a. Initial and renewal certificate \$120.00

b. Associate installer competency \$200.00

examination

5. On-site sewage system pumper certificate

of competency fee

a. Business owner \$275.00

b. Pumper employee \$120.00

c. Vehicle inspection tab \$110.00 per
vehicle

d. Pumper competency examination \$200.00

6. Site design application review fee

The site design application review fee shall consist of a base fee, plus a potable water review fee as follows, but the potable water review fee shall be waived if a potable water review has been completed in the last two years:

a. Base fee

(1) Gravity system, new \$602.00

(2) Pressurized system, new \$953.00

b. Potable water review fee

(1) Served by Group A water system \$0.00

- with more than 1000 connections
- (2) Served by Group A water system \$0.00
- with 1000 or fewer connections
- (3) Served by Group B water system \$238.00
- (4) Served by individual well \$154.00
- c. Revision review \$184.80 base fee
 plus \$184.80
 per hour after one hour
7. Community and large on-site sewage systems review fees
- a. Preliminary engineering report, \$764.00
 new and replacement
- b. Plans and specifications, new \$884.00
- c. Plans and specifications, repaired \$603.00
 and replacement
- d. Management agreement review \$281.00
8. Subdivision review fees
- a. Pre-application review \$915.00 base fee
 plus \$150.00
 per lot
- b. Final application review \$1,472.00 base
 fee plus \$200.00
 per lot
9. Sewage review committee fees

- a. Appeal review \$1,478.40
- b. Refunds, non refundable amount \$99.00

10. Miscellaneous fees

- a. Building remodel application review \$642.00 base fee
plus potable water review
fee as delineated in Part 2,
subsection 6.b., but the
potable water review fee shall
be waived if a potable water
review has been completed in
the last two years
- b. Wastewater tank manufacturers \$184.80 base fee
standards review plus \$184.80 per
hour after one hour
- c. On-site sewage system maintainer's
maintenance and performance
monitoring inspection report filing:
~~((1)) Periodic maintenance and \$28.00~~
~~Performance monitoring~~
~~((2)) Monitoring and performance \$((111.00)) 184.80~~
inspection before transfer of
title to property
- d. Alternative, community, commercial \$184.80 base fee

- system monitoring by the health officer plus \$184.80 per hour after
one hour
- e. Review of new proprietary device, \$184.80 base
method or product fee plus \$184.80 per hour
after one hour
- f. Disciplinary/performance review \$184.80 base fee
conference for certificate of plus \$184.80 per hour after
competency holder one hour
- g. Reinstatement of certificate after \$184.80
suspension
- h. Reinspection fee \$184.80 base fee
plus \$184.80 per hour after
one hour
- i. Change of designer of record \$184.80 base fee
plus \$184.80 per hour after
one hour
- j. Replacement private well/spring \$369.60 base fee
location review plus \$184.80 per hour after
two hours
- k. Watertable monitoring plan review \$831.60 base fee
plus \$184.80 per hour after
4.5 hours
- l. ~~((On-site sewage system operation and~~ \$40.00

~~maintenance program fee due from
buyer or transferee of a property served
by on-site sewage system at time of sale
or transfer of property ownership~~

~~m.))~~ Report on the condition of an \$489.00
individual private, nonpublic well

~~((n.))~~ n. Report on the condition of an \$603.00
on-site sewage system and an
individual private, nonpublic well
on the same premises

~~((o.))~~ o. Annual product development actual cost of review of
permit permit application, permit
issuance and monitoring of
product performance data

~~((p.))~~ p. Rainwater catchment system actual cost of review of
review application for approval of
rainwater catchment system
source

11. On-site sewage system program \$XX.00 per parcel, except
management charge persons identified on the
county assessor's senior
citizens and disabled persons
exemption list for the current

tax year shall pay one-half

this amount.

NEW SECTION. SECTION 9. Effective date. This rule takes effect January 1, 2017.

SECTION 10. Severability. If any provision of this rule or its application to any person or circumstance is held invalid, the remainder of the rule or the application of the provision to other persons or circumstances is not affected.

DRAFT